
Councilmember Brianne K. Nadeau

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA:

AN AMENDMENT #1

Date: November 7, 2017
Amendment offered by: Brianne K. Nadeau
To: B22-0293 – “Homeless Services Reform Amendment Act of 2017”

Version:

Introduced	_____
Committee Print	_____
First Reading	<u> X </u>
Amended First Reading	_____
Engrossed	_____
Enrolled	_____
Unidentified	_____

Amending:

- Sec. 2(c)(2), Page 5, Lines 117-119

Paragraph (5B)(C)(iii) is amended to read as follows:

“(5B)(C)(iii) Has been notified or can document that their right to occupy their current housing or living situation will be terminated, including, but not limited to, notification or documentation of past-due rent.”.

- Sec. 2(c)(10), Page 8, Lines 195-198

Paragraph (18)(B) is amended as follows:

(a) The lead-in language is amended to read as follows:

“(B) An individual or family who has lost or will imminently lose their primary nighttime residence, if:”.

(b) Sub-subparagraph (i) is amended to read as follows:

“(i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance or has already been lost;”.

- Sec. 2(i)(4), Page 19, Lines 452-456

Section 8(b-1)(3) is amended to read as follows:

“(b-1)(3) An individual or family shall have the right to continue their current services while the Mayor redetermines their eligibility pursuant to this subsection.”.

- Sec. 2(aa), Page 29, Lines 659-662

Section 22b is amended as follows:

(a) Subsection (b) is amended to read as follows:

“(b)(1) A provider exiting a client from a program shall provide the client oral and written notice of the program exit at least 30 days before the effective date of the program exit.

(2) Written notice issued pursuant to this subsection shall conform to the requirements of notice issued pursuant to section 19(d).”.

(b) Subsection (c) is amended by striking the number “10” and inserting the number “15” in its place.

Rationale:

The above amendment accomplishes four major goals:

1. Clarifies the intent of B22-0293 to find people on the verge of eviction to be “at risk of homelessness.” Under the Committee Print, applicants for assistance may find it difficult to prove one of the possible conditions to establish being at risk of homelessness- written notification that their right to occupy their current housing or living situation would be terminated within 21 days of the date of application for crisis intervention assistance. Under the amended language, an applicant need only demonstrate that they were

somehow notified or can otherwise document such termination, even if not in formal written format (i.e. notification or documentation of past-due rent).

2. Removes any ambiguity related to the eligibility of an individual or family who has lost their primary nighttime residence the same day as the application for services. This was always the documented intent of the legislation, as well as the federal regulations, after which this provision of the bill was mirrored. By amending the language in this way, however, it adds clarity and removes any future interpretation that may attempt to exclude individuals and families who have yet to spend a night on the streets.
3. Clarifies the intent of ensuring that a client whose program eligibility is being redetermined has a right to maintain uninterrupted service during the transition. The Committee Print included a cross-reference to transfers but that is not a process that is necessarily applicable to eligibility redetermination as those are two separate and distinct processes as conducted by the Department of Human Services (DHS).
4. Better aligns Program Exits with other termination processes. The Committee Print altered the bill as introduced to reflect the notion that clients being exited from a housing program should have the same due process rights as clients facing other forms of service denial. The amendment would apply the notice requirements and appeal rights applicable to other types of service denials to clients facing program exits.



OFFICE OF THE GENERAL COUNSEL

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MEMORANDUM

TO: Councilmember Brianne K. Nadeau

FROM: Ellen Efros, General Counsel *EE/2M*

DATE: November 6, 2017

RE: Legal Sufficiency Determination for Amendment #1
to Bill 22-293, Homeless Services Reform
Amendment Act of 2017

The amendment is legally and technically sufficient for Council consideration.

The proposed amendment to B22-293 would do the following:

- Amend the definition of "at-risk of homelessness" to replace the requirement that an individual or family receive written notice that their right to occupy their current living situation will be terminated with the requirement that they have been notified or can document that their current housing or living situation will be terminated.
- Amend the definition of "homeless" to include an individual or family that has already lost their nighttime residence but has not yet established a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings.
- Amend section 8(b-1) to make clear that, if the Mayor decides to redetermine the eligibility of an individual or family for a service within the Continuum of Care, the individual or family has the right to continue receiving their current service while the Mayor redetermines their eligibility.

- Amend section 22b to: (a) require the Mayor to provide a client who is exited from a program under that section with notice of the program exit in the same form as notice issued to clients facing termination or suspension of services under section 19 of the act; and (b) permit clients who appeal a program exit decision within 15 days of receiving notice of the decision to remain in the program during the pendency of their appeal.

I am available if you have any questions.

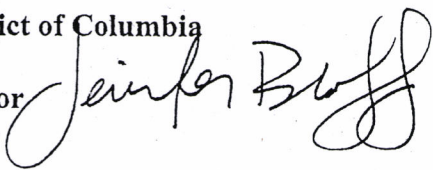
COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jennifer Budoff, Budget Director 

DATE: November 6, 2017

SHORT TITLE: B22-293 "Homeless Services Reform Amendment Act of 2017"

TYPE: Amendment #1

REQUESTED BY: Councilmember Brianne Nadeau

Conclusion

This amendment does not have an impact on the District's fiscal year 2018 budget or the four-year budget and financial plan, because there is no cost associated with implementing it.

Background

This amendment proposes four different changes to the "Homeless Services Reform Amendment Act of 2017." First, this amendment would expand the bill's definition of a chronically homeless individual to include someone who has received notification or can document that their right to occupy their current home will be terminated.

Second, this amendment would modify the definition of homeless to include individuals and families who have already lost their primary residence.

Third, this amendment would alter the rights of individuals and families receiving services within the Continuum of Care. The amendment would give individuals and families the right to continue to receive their current Continuum of Care services while the Mayor re-determines their program eligibility.

Fourth, the amendment would change the notification process for program exits. The amendment would make the program exit notification rules conform to other termination processes.

Analysis of Impact on Spending

This amendment would not impact spending.

Analysis of Impact on Revenue

This amendment would not impact revenues.